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such evidence is received. *Anderson v. State* (1912) 65 Tex. Cr. App. 365, 144 S. W. 281; *State v. Fong Loon* (1916) 29 Idaho, 248, 158 Pac. 233; but see *State v. King* (1903) 88 Minn. 175, 92 N. W. 965. The opinions seem to indicate that only direct evidence is admissible to show that a witness's mind has been impaired by the use of drugs. *Eldridge v. State* (1891) 27 Fla. 162, 9 So. 448; *Gordon v. Gilmer, supra.* However, the court in the principal case is not without authority to admit circumstantial evidence for this purpose. *State v. Robinson* (1895) 12 Wash. 491, 41 Pac. 884; *Anderson v. State, supra.* The inquiry in regard to a witness's use of drugs has been restricted by some courts entirely to the cross examination of the witness. *State v. Schuman* (1915) 89 Wash. 9, 153 Pac. 1084. The better view, however, is to admit extrinsic evidence which tends to discredit the witness's testimonial powers, and the court in the principal case seems to be correct in so doing. *People v. Webster, supra;* 2 Wigmore, *Evidence* (1904) sec. 1005.

JURISDICTION—EMINENT DOMAIN—POWER OF ONE STATE TO CONDEMN PROPERTY IN ANOTHER.—Pursuant to a Wisconsin statute (Wis. Sts. 1911, ch. 87, sec. 1797, m. 79) the city of Superior in that state began eminent domain proceedings to acquire the plaintiff's waterworks system, a part of which was in the state of Minnesota. The plaintiff filed a bill to enjoin these proceedings and the city demurred. *Held,* that the demurrer should be sustained. Rosenberry, J., *dissenting. Superior Water, Lt. & Power Co. v. City of Superior* (1921, Wis.) 183 N. W. 254.

The power of eminent domain can be exercised only as prescribed by statute. See 1 Lewis, *Eminent Domain* (3d ed. 1909) secs. 367-368; 1 Nichols, *Eminent Domain* (2d ed. 1917) sec. 19. Statutes generally have no extra-territorial effect. See Sutherland, *Statutory Construction* (1891) sec. 12; 1 Lewis, *op. cit.* sec. 385. (This is true, however, only as a matter of positive law. See Lorenzen, *The Theory of Qualifications and the Conflict of Laws* (1920) 20 COL. L. REV. 276-280.) The court seeks to avoid the fact by calling the entire plant personalty and hence Wisconsin property,—even as to "any real estate or interest therein that the company may own" across the state line. See *Superior Co. v. Superior, supra* at p. 257. Even if this fiction were true, it does not settle the question of jurisdiction; for, in eminent domain proceedings, the decree operates to pass title and, the statute having no extra-territorial effect, obviously a decree rendered thereunder can have none. See 2 Nichols, *op. cit.* secs. 369, 370, 374; see *State v. Superior Court* (1914) 80 Wash. 417, 422, 141 Pac. 906, 908; COMMENTS (1919) 28 YALE LAW JOURNAL, 588, 589. Nor would such a decree be binding on the courts at the situs. See *Evansville Traction Co. v. Henderson Bridge Co.* (1904, C. C. W. D. Ky.) 134 Fed. 973, 975. But to obviate this the court declares that "equity has ample power to compel a conveyance on the part of the water company." But it has been held that equity will not exercise its power to enforce the power of eminent domain. *West. Union Tel. Co. v. N. C. & St. L. Ry.* (1917, N. D. Ga.) 243 Fed. 694; *Mobile Ry. v. Hoye* (1906) 87 Miss. 571, 40 So. 5. The court tries to avoid this by considering the franchise as a contract. But it is then far from its original position that there was jurisdiction to divest the water company of title "pursuant to its power of eminent domain." Even this construction is arguable. See the instant court's discussion in *Superior Power Co. v. Superior* (1921, Wis.) 181 N. W. 113, 123; *State v. Circuit Court* (1915) 162 Wis. 234, 236, 155 N. W. 139, 140; as to when equity will take jurisdiction over foreign property see COMMENTS (1918) 27 YALE LAW JOURNAL, 946. The result of the decision in the instant case is desirable; the reasoning is difficult to justify. On almost identical facts the opposite result has been reached. See *Crosby v. Hanover* (1858) 36 N. H. 404, 422. Some states have remedied the situation by reciprocal

statutes. See Wash. Laws, 1909, ch. 16; Or. Laws, 1920, sec. 3772; (1921) 19 MICH. L. REV. 448.

MASTER AND SERVANT—INDEPENDENT CONTRACTOR—DELEGATION OF DUTY OWED TO INVITEE.—The deceased, an employee of an independent contractor, while installing elevator doors in the defendant's mercantile building, was killed through the carelessness of the elevator attendant, an employee of another independent contractor, who operated the elevator for the defendant. *Held,* (three judges *dissenting*) that the defendant was liable. *Besner v. Central Trust Co.* (1921) 230 N. Y. 357, 130 N. E. 577.

It is well settled that it is the duty of the owner of land to exercise reasonable care to keep the premises in a safe condition for the use of those present by express or implied invitation. 3 Shearman and Redfield, *Negligence* (6th ed. 1913) 1853. A person is an invitee when he is present for the benefit, or in the interest of, the owner or occupant, or when his presence is of mutual interest. *Meiers v. Fred Koch Brewery* (1920) 229 N. Y. 10, 127 N. E. 491; *Coburn v. Village of Swanton* (1920, Vt.) 109 Atl. 854. An employee of a contractor engaged to do work on the premises is regarded as an invitee. 1 Thompson, *Negligence* (1901) 898; *John Spry Lumber Co. v. Duggan* (1898) 80 Ill. App. 394. As a general rule, an employer is not liable for the negligence of his independent contractor or the latter's servants. 14 R. C. L. 79. But if one is on the premises as an invitee, the duty of keeping the premises *reasonably safe for use according to the invitation,* cannot be delegated to an independent contractor. *Curtis v. Kiley* (1891) 153 Mass. 123, 26 N. E. 421. Upon this principle the decision in the instant case seems sound since the deceased may well have understood that the owner of the building was holding himself out as having control of the elevator and that he could be relied upon to use due care in its operation. And since at the time of the accident the deceased was engaged in the performance of the very purpose for which he was invited and in accordance with the terms of the invitation as he understood them, the owner ought not to be allowed to delegate the duty to use reasonable care for his safety to an independent contractor. A more difficult situation would present itself if the deceased were aware of the fact that the elevator were under the control of the independent contractor. It is problematical whether the owner would be liable under such circumstances.

MASTER AND SERVANT—RESPONSIBILITY FOR SERVANT'S DEVIATION OR DEPARTURE.—The defendant's chauffeur was ordered to go from the defendant's mill to some freight yards and to bring back some barrels of paint. After loading, he drove four blocks beyond the yard to his sister's house to give her some waste wood found at the yard. On the way back to the defendant's mill, and before he had passed the yard again, he negligently injured the plaintiff. *Held,* (three judges *dissenting*) that, even if the trip to his sister's house were a departure and not a mere deviation, he had reached a point, on the return toward the mill, which brought him again within the scope of his employment, so as to render the master liable. *Riley v. Standard Oil Co.* (1921) 231 N. Y. 301, 132 N. E. 97.

The wide conflict in this class of cases is not due to any uncertainty in the law, but to constantly varying interpretations of the facts. For example. it is well settled that, when a chauffeur is "on a frolic of his own," i. e., without permission and for no purpose connected with his master's service, he takes out the car, the trip is a complete departure, and the master is not liable for any accidents occurring. *Storey v. Ashton* (1869) L. R. 4 Q. B. 476; *Donnelly v. Yuille* (1921) 197 App. Div. 59, 188 N. Y. Supp. 603; *Colwell v. Aetna Bottle Co.* (1912) 33 R. I. 531, 82 Atl. 388; *contra, Quinn v. Power* (1882) 87 N. Y. 535. It is as well settled that, when the servant is simultaneously doing his master's